

Some problems in application of certain forms of summary procedure based on criminal procedure code of the Russian federation

Verin A., Antonov I., Klyukova M., Rahmatullin R.
Kazan Federal University, 420008, Kremlevskaya 18, Kazan, Russia

Abstract

The recent amendments to the criminal procedure legislation of the Russian Federation and occurrence of a number of its new procedural institutions, such as, short stories dedicated to the simplified legal proceedings, have become a grounded state reaction to the changes in the crime situation in the country as a whole, and an increased level of counteraction to investigation of crimes, in particular. By introducing the institution of a special order of the court judgment adoption, which grants the accused (suspected) person with certain "advantages" in comparison with the usual order of the judicial proceedings, and by expanding the base of its application¹, by the introduction of mutually acceptable legal concessions, the state found it necessary and possible to motivate the suspected and the accused person to provide an active assistance in solving crimes, especially serious and the most serious ones, committed by the organized criminal groups. The cooperation relationships emerging in this case between the state represented by the bodies, which carry out the criminal proceedings, and the accused (suspected) person, containing inherently a mutually beneficial compromise for them, shall have the clearly defined borders, the violation of which is unacceptable in terms of compliance with the human rights and freedoms of the participants in the process, provision of quality crime investigation and fair court judgment.

Keywords

Cooperation, Disclosure, Investigation, Justice, Plea bargain, Pre-trial agreement, Special procedure